

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

LEVTEC, LLC,	:	Case No. 3:14-cv-00276
	:	
Plaintiff,	:	Judge Thomas M. Rose
	:	
v.	:	
	:	
MICHELLE BARKAN, et al.,	:	
	:	
Defendants.	:	

**ENTRY AND ORDER GRANTING DEFENDANT TURN, INC.'S MOTION
TO STRIKE PLAINTIFF LEVTEC, LLC'S SUPPLEMENTAL
MEMORANDUM AND EXHIBIT (DOC. 63)**

This case is before the Court on Defendant Turn, Inc.'s Motion to Strike (Doc. 63) Plaintiff Levtec, LLC's Supplemental Memorandum and Exhibit. On June 7, 2016, Levtec filed under seal the Supplemental Memorandum (Doc. 62) in support of its Opposition to Defendants' Motions for Summary Judgment. Attached to the Supplemental Memorandum are six exhibits. (Docs. 62-1 – 62-6.) The first five exhibits are emails that the Court granted Levtec leave to file under seal. (Doc. 61.) The last exhibit is a partial deposition transcript. Levtec never sought leave to file the Supplemental Memorandum or partial deposition transcript, much less leave to file those documents under seal. Turn therefore moves to strike the Supplemental Memorandum and partial deposition transcript or, in the alternative, requests leave to respond to them.

The Court's Local Rules provides that all motions shall be accompanied by a supporting memorandum, and that the parties may also file opposing and reply memoranda within certain time periods. S.D. Ohio Civ. R. 7.2(a)(1)-(2). "No additional memoranda beyond those

enumerated are permitted except upon leave of court for good cause shown.” S.D. Ohio Civ. R. 7.2(a)(2). Levtec failed to seek leave of Court to file the Supplemental Memorandum and partial deposition transcript in violation of Local Rule 7.2. As a result, Turn’s Motion to Strike (Doc. 63) is **GRANTED**. The Clerk is directed to **STRIKE** the Supplemental Memorandum (Doc. 62) and the partial deposition transcript attached thereto as Exhibit 6 (Doc. 62-6). Exhibits 1 through 5 (Docs. 62-1 – 62-5) to the Supplemental Memorandum shall remain filed under seal.

DONE and **ORDERED** in Dayton, Ohio, this Thursday, June 16, 2016.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE